

By: Ellis

S.B. No. 1201

A BILL TO BE ENTITLED

AN ACT

relating to creating an office of civil rights at certain state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Government Code, is amended by adding Chapter 671 to read as follows:

CHAPTER 671. STATE AGENCY CIVIL RIGHTS OFFICE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 671.001. DEFINITIONS. In this chapter:

(1) "Formal complaint of employment discrimination" means a complaint of employment discrimination against a state agency filed under Chapter 21, Labor Code, Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. Section 621 et seq.), or Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(2) "Informal complaint of employment discrimination" means an informal complaint of employment discrimination against a state agency that is filed by an employee of the agency with the civil rights office of the agency.

(3) "State agency" means:

(A) an authority, board, commission, committee, council, department, institution, office, or agency in the executive branch of state government having statewide

1 jurisdiction;

2 (B) the supreme court, the court of criminal  
3 appeals, a court of appeals, the State Bar of Texas, or another  
4 judicial agency having statewide jurisdiction; or

5 (C) an institution of higher education as defined  
6 by Section 61.003, Education Code.

7 [Sections 671.002-671.050 reserved for expansion]

8 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

9 Sec. 671.051. CIVIL RIGHTS OFFICE; DIRECTOR. (a) Each  
10 state agency with 1,000 employees or more shall establish a civil  
11 rights office and employ a director of civil rights to administer  
12 the office.

13 (b) The director of civil rights shall report to the head of  
14 the state agency.

15 [Sections 671.052-671.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 671.101. POWERS AND DUTIES OF OFFICE; DIRECTOR. (a)  
18 The director of civil rights of a state agency has exclusive  
19 responsibility for investigating and ruling on the merits of an  
20 informal complaint of employment discrimination.

21 (b) The head of a state agency may assign other  
22 responsibilities to the civil rights office.

23 Sec. 671.102. DISPUTE RESOLUTION. The civil rights office  
24 of a state agency shall establish voluntary mediation policies and  
25 procedures for resolving informal complaints of employment  
26 discrimination. The procedures must include using independent  
27 mediators approved by the director of civil rights.

1        Sec. 671.103. EXCEPTION: FORMAL COMPLAINTS. The civil  
2        rights office of a state agency has no responsibility for  
3        responding to a formal complaint of employment discrimination.

4        SECTION 2. This Act takes effect immediately if it receives  
5        a vote of two-thirds of all the members elected to each house, as  
6        provided by Section 39, Article III, Texas Constitution. If this  
7        Act does not receive the vote necessary for immediate effect, this  
8        Act takes effect September 1, 2005.